

expressed their thanks to Mr. Schurke for his service with the agency.

2. Case intake for April was down from the previous year, with 51 cases filed. Mr. Schurke noted that the current cases are more difficult, however, including representation, unfair labor practice, and mediation cases instead of the grievance mediation cases that were numerous last year. The current fiscal year average is 73 cases per month.
3. There were 60 cases closed during the month of April. Although higher than March, this was still below the fiscal year average.
4. There were 558 cases pending at the end of April. Operations Manager Kenneth Latsch distributes incoming cases to the teams and monitors case intake for the management team. The aged case statistics (cases open 90, 180, and 360 days) are doing well.
5. The "Red List" (cases ready for decision more than 90 days) and "Yellow List" (cases ready for decision 45 - 89 days) were reviewed for the Commission. Mr. Schurke reported that both lists were reviewed with the management team on May 2, and that Field Service Managers were to push for elimination of these lists by June 30, 2006. All cases on those lists are actively being worked on.
6. Mr. Schurke reviewed the results of the survey of all state employees that was recently conducted by the Department of Personnel at the request of the Governor. The average PERC response was 3.8 out of a total of 4, which was slightly above the overall state average. Mr. Schurke noted that 80 percent of the questions were answered with positive ("usually" / "almost always") responses, and that the standard deviation among the PERC staff responses is significantly reduced from a similar survey three years ago. This suggests the PERC staff is more comfortable with their situation. Copies of the agency summary and the statewide summary were distributed to the Commission members. Mr. Latsch said it is important to note that the Governor asked for this survey to get the "temperature" of the state workforce, and that these survey results are a good sign for this agency. Responding to a question by Commissioner Bradburn about why there were only 32 responses from the PERC staff, Mr. Latsch explained that five staff members (including Mr. Schurke) did not complete the survey. Responding to a question by Chairperson Sayan about the survey methodology, Mr. Latsch explained that the survey was completed electronically.

7. The Thirtieth Annual Report was included in the Commission's files. A typographical error on the cover had been corrected, and Business Manager Jim Lohr added a note pointing out the potential value of the previous cover as a collectors' item.
8. Mr. Schurke reported that Kenneth Latsch led the effort with the Rules Focus Group. The Commission reviewed two documents regarding rule amendments:

First, a memorandum containing explanatory materials on proposed changes and the reasoning for those changes.

Second, the proposed rules changes set forth in "legislative style" as required by the Code Reviser.

As to the procedural and collective bargaining rules in the package, Mr. Latsch noted that the actual rules changes are non-controversial items or issues to move on now. These range from simply fixing the addresses of agency offices to new ideas such as a proposed database of pre-filed collective bargaining agreements. Mr. Latsch asked the Commission to review the rules package, and to notice the theme throughout of trying to make it simpler, and more user-friendly to use agency services.

As to the public records rules in the package, Mr. Latsch explained that he and Dario de la Rosa attended a session where Assistant Attorney General Overstreet stated that each agency needs to have rules on the processing of public records requests, that the Office of the Attorney General has promulgated a set of model rules, and that these rules may change how we do business. Mr. de la Rosa confirmed that the agency needs a process in place for public records requests. Mr. Latsch noted, and Chairperson Sayan confirmed, that Attorney General McKenna is a strong supporter of public disclosure. Mr. de la Rosa added that the public records act defines agency records in broad terms. Mr. Schurke noted that the rules proposed beginning at WAC 391-95-900 adapt, but do not precisely copy, the model rules proposed by the Office of the Attorney General.

Mr. Latsch explained that the Rules Focus Group process and the documents provided today are informal, and that the Commission will need to formally initiate a rulemaking process under the state Administrative Procedure Act. Following a brief discussion of the general subject matter, the Commission members agreed to review the documents in anticipation of having a formal "initiate rulemaking" item on the agenda for the June meeting. Commissioner Bradburn encouraged those interested to attend the June meeting. The Commission thanked Mr. Latsch, Mr. de la Rosa, and Mr. Schurke for their work on the proposed rules.

9. The Commission reviewed a card from the secretaries in the Chelan School District, thanking Katrina Boedecker for her assistance in mediation.
10. The Commission reviewed a letter from The National Judicial College, thanking Mr. Schurke for allowing J. Martin Smith to participate as a faculty assistant in a course on mediation.
11. Mr. Schurke distributed a remembrance of former staff members William Lang and Ronald Meeker that was included in the packets at the LERA Conference in March, and said he forwarded copies of the document to their widows. The Commission reviewed letters from Barbara Meeker and Mary Jo Lang, thanking Mr. Schurke, Majel Boudia, and the entire staff.
12. The Commission reviewed the revised application of Lawrence E. Little for membership on the Dispute Resolution Panel. The Commission asked for more information after initial review of Mr. Little's application at the April meeting, and Mr. Little supplied a letter and completed application. Following review of the updated information, the Commission unanimously approved his application to be a member of the panel.

COMPLIANCE DOCKET

Skagit County, Case 17153-U-03-4441. Compliance Officer Mark S. Downing reviewed the case, which had been held over from the April meeting. A tender of compliance was received March 3, 2006, and union counsel Rob Lavitt recently told Mr. Downing the union is satisfied with the compliance. Mr. Downing recommended acceptance of the compliance. The Commission unanimously accepted the tender of compliance, and the case will now be closed. Commissioner Bradburn thanked Mr. Downing for obtaining the written document.

City of Issaquah, Case 19262-U-05-4898. Mr. Downing reviewed the case. The Issaquah Police Services Association tendered compliance on March 20, 2006. Mr. Downing reported that counsel for Teamsters Local 763, Mike McCarthy, told him this morning that Local 763 accepted compliance. Mr. Downing recommended acceptance of the compliance. The Commission unanimously accepted the tender of compliance, and the case will now be closed. Mr. Downing added that the employees have selected the association to represent the police support unit.

COURT DOCKET

There was nothing new to report relative to the Court Docket.

REQUEST FOR DECLARATORY ORDER

University of Washington, Case 20331-D-06-125. A petition for declaratory order was filed April 10, 2006, by Service Employees International Union, Local 925. Mr. Schurke pointed out that the state Administrative Procedure Act requires the consent of all parties to be bound by a declaratory order, and also gives the agency the option to refuse to process a declaratory order. Mr. de la Rosa pointed out that the petition for a declaratory order cites RCW 41.06.070, under which employers can exempt employees from civil service, along with Chapter 41.80 RCW. Martha Barron appeared as counsel for SEIU Local 925, and explained that the issue concerns the employer's use of the civil service law to exempt employees from collective bargaining rights. She stated that bargaining units are being eroded drastically (citing reduction of a research unit from 450 to 236 employees with 60 people removed from the unit since July 2005), and said that the parties do not know how to proceed. Commissioner Bradburn recalled a similar issue concerning the "option" units under RCW 441.56.201, and Mr. Schurke stated that the Legislature amended that law after he issued a decision ruling that the employer could no longer use civil service exemptions for those bargaining units removed from the coverage of the civil service law. Ms. Barron noted that the employer is consenting to issuance of a declaratory order, and that the union will withdraw a pending unit clarification case, as part of an agreement between the parties. Herb Harris, WPEA representative, noted that similar issues are pending at Wenatchee Valley College, and that this problem has increased since the first PSRA contracts took effect on July 1, 2005. Gladys Burbank, WFSE representative, added that the Commission would be giving other PSRA employers and unions guidance by dealing with this issue.

The Commission recessed for a caucus. When they returned, Chairperson Sayan entertained a motion for the Commission to accept the issue and issue an order within 90 days. The motion was made, seconded, and carried. Commissioner Bradburn added that this is a highly unusual request, and Mr. Schurke concurred that there have only been a dozen or so of these cases in the history of the agency. Ms. Barron thanked the Commission for their consideration.

COMMISSION DOCKET

King County Public Hospital District 3 (Evergreen), Cases 18802-E-04-2983 and 19842-E-05-3106. Mr. de la Rosa stated that the case was held over in April because of concerns about language which appeared to nullify the Commission's jurisdiction to hear and determine election objections. The parties submitted a signed agreement which omitted the questioned language. Mr. de la Rosa

recommended acceptance. The Commission unanimously accepted the agreement and remanded the case for a runoff election. Mr. Schurke added that all related unfair labor practice cases have been closed and that the representation case will now be processed.

The Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS

There was no other business to come before the Commission.

EXECUTIVE SESSION ON PERSONNEL MATTERS

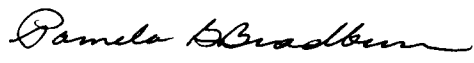
The Commission held an executive session with the Executive Director and Mr. Latsch on personnel matters.


ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner

ATTEST:


MARVIN L. SCHURKE, Executive Director